HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.13826 of 2006

Date: 7th December, 2006

Between:-

B.R.Ramesh and 2 others .. Petitioners

And

The Municipal Corporation of Hyderabad,
Rep. By its Commissioner, Tank Bund,
Hyderabad and another ..

Respondents

HON'BLE SRI JUSTICE P.S.NARAYANA

Writ Petition No.13826 of 2006

ORDER:-

Heard the Counsel.

The Writ Petition is filed for a Writ of Mandamus declaring the inaction of the respondents in considering the building permission submitted by the petitioners on 19-5-2006, without reference to endorsement No.N1/F1/2908/2004, dt.25-5-2006 issued by the Hyderabad District Collector, as illegal, arbitrary and unconstitutional and pass such other suitable orders.

It is stated that the petitioners are the joint owners of the land of an extend of 1562 sq.yards in Sy.No.162 situated at A Battery Line, Mallepally, Hyderabad. It is further stated that the Mandal Revenue Officer, Golconda Mandal, Hyderabad has filed Land Grabbing Case in LGOP No.456/1989 on the ground that the land in possession of the petitioners is Government land and the said LGOP was dismissed on 31-7-1997 and the same was confirmed even in appeal. It is stated that the petitioners submitted the building application on 20-11-2003 before the Municipal Corporation of Hyderabad and an endorsement dt.25-5-2006 in No.N1/F1/2908/2004 also had been referred to.

A counter affidavit is filed by the 2nd respondent stating that on certain objections and queries, the application was returned.

In the facts and circumstances, it is needless to say that while considering the application for building permission, the production of *no objection certificate* from revenue authorities cannot be insisted upon. It is also further held by this Court that the entries in TSLR cannot be criterion if the petitioners are able to satisfy by producing the other relevant material in this regard. In the light of the views already expressed by this Court, this Court is of the considered opinion that the respondents are bound to consider the building application submitted by the petitioners without insisting on the production of *no objection certificate* from the revenue authorities and also further consider the said application in the event of the other queries inclusive of the TSLR entries being complied with and even in the absence of TSLR entries in the event of the petitioners satisfying that there is other sufficient material to be considered in this regard in accordance with law.

The Writ Petition is disposed of accordingly. No order as to costs.

Justice P.S.Narayana

7th December, 2006

smr